

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO.: 4:20-CR-115-1FL**

UNITED STATES OF AMERICA

v.

PATRICK J. FEDAK

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**DEFENDANT'S REQUEST FOR
VOIR DIRE**

Defendant Patrick J. Fedak, through counsel, submits this proposed voir dire pursuant to Local Criminal Rules 24.1 and 24.2(b). Mr. Fedak respectfully requests that the Court question potential jurors of the following matters in addition to the standard questions:

1. Have you heard about this case, or about Mr. Fedak, in the media, online, or otherwise?
2. Do you know any of the other potential jurors?
3. Have you ever lived or worked in Craven County, or Carteret County, North Carolina? If so, where did you live or work, and what was the nature of your work?
4. Please describe your formal education, including grade completed and any degree(s)?
5. Have you ever served in the United States military. If so, what branch, when, where, highest rank, and Military Occupation Specialty/Rating?
6. If you have previously served in the military, do you believe service members in the Supply Military Occupational Specialty commit a disproportionate amount of misconduct?

7. If you have previously served in the military, have you formed a negative opinion of prior enlisted officers?

8. Have you ever served as a supervisor of ten (10) or more people in a workplace?

9. Have you ever held or currently hold a position of authority within the military, a business, or any other civilian organization?

10. Do you belong to any organized religion or faith? If so, which one, and how long have you been a member?

11. Do you have any members of your family, friends, or close associates serving in law enforcement, currently or in the past? If so, please describe their position in law enforcement and your relationship with them.

12. Do you have any members of your family that work in the local, state or federal government? If so, please describe such employment.

13. Do you belong to any civic, fraternal, professional or social organizations. If so, which ones, and have you ever held any office in these organizations?

14. If a parent, what are the ages of your children?

15. Have you ever served on a jury before, and if so, was it a civil or criminal matter? Did the jury ever reach a verdict? Were you the foreperson?

16. Have you ever served as a juror in a civil case? If so, do you understand the difference in the burden of proof required in a criminal trial? In a civil trial, the burden of proof is only the “preponderance of the evidence standard”, or the “greater weight” of the evidence; in this criminal trial, the government has the burden of proving

Mr. Fedak “guilty beyond a reasonable doubt.” Do you understand the difference between those two standards?

17. How would you describe the difference between innocent and not guilty?

18. Have you ever served as a juror on a federal or state grand jury? If so, do you understand the difference in the burden of proof required in a criminal trial, beyond a reasonable doubt, and the findings by the grand jury, merely probable cause?

19. Have you or any member of your family ever been a victim of a crime? If so, what were the circumstances? Did the offense involve theft? How was the case resolved?

20. Do you know any of the parties, their lawyers, witnesses, the judge, or anyone else connected with the case such as law enforcement personnel? How?

21. At trial, will you give greater credibility to a government agent or expert witness or law enforcement officer simply because that witness works for the government?

22. Please describe your feelings on the presumption that every person charged with a criminal offense is presumed innocent of any crime until proven guilty beyond a reasonable doubt. Do you have any difficulty applying this presumption?

23. Do you understand the burden of proof is greater for a criminal case than for a civil case as described above? Moreover, do you understand that the burden of proof beyond a reasonable doubt rests solely on the government? And, that the government must prove each and every element of an offense beyond a reasonable doubt for you to find the defendant guilty?

24. Does any juror expect the defendant at any time to prove his innocence during this trial?

25. Will you draw a negative inference against Mr. Fedak if he does not testify at trial?

26. Are you willing to find the defendant not guilty, if at the conclusion of the evidence the government has failed to prove each and every element beyond a reasonable doubt?

27. Do you realize you must give the defendant the benefit of the presumption of innocence without any mental reservations whatsoever and that you are to consider this presumption of innocence as actual proof of innocence unless it is overcome by proof of guilt beyond a reasonable doubt?

28. If at the end of the trial you felt that the defendant did something wrong, but the defendant was not charged with that particular wrong or inadequately charged, would you be able to set aside any such feelings and examine only the elements of the particular crime with which the defendant is charged? Would you be able to put all other things aside and decide only on the charge now before the jury and consider only the elements in the indictment, regardless of how you feel about the defendant?

29. At this moment, have you formed any opinion about the guilt or innocence of the defendant?

30. You are the sole judges of the facts in this case. Understand this case will focus on alleged criminal activity in the Craven County, North Carolina area and the North San Diego County area in southern California. Do you have reservations, religious

or otherwise, that would prevent you from rendering a fair judgment in this case based on the evidence?

31. Do you or any family member or close associate struggle with substance abuse?

32. Have you or any of your family members ever been the victim of any type of theft?

33. Has any business which you have owned or in which you have been employed ever been the victim of any type of theft.

Respectfully requested this 14th day of June, 2021.

GREENE, CROW & SMITH, P.A.

/s/ Guy Smith

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CERTIFICATE OF SERVICE

I hereby certify that I this day have served a copy of this pleading upon the other parties to this action electronically as indicated to counsel for said parties, this 14th day of June, 2021.

Barbara Kocher (via CM/ECF)

GREENE, CROW & SMITH, P.A.

/s/ Guy Smith

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